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August 30, 2012

By Hand

Hon. Shira A. Scheindlin
United States District Court
Southern District of New York
500 Pearl St., Room 1620
New York, NY 10007

Re: Sekisui America Corporation v. Hart
12 CV 3479 (SAS)

Dear Judge Scheindlin:

We represent defendants Richard Hart and Mary Louise Trudel-Hart in the above-referenced action. We write with the consent of counsel for the Plaintiffs. At the Rule 16(b) conference on August 20, 2012, the Court instructed the parties to advise it if the parties preferred to engage in private mediation rather than mediation through the Court-annexed Mediation Program. The parties have agreed that they would prefer to conduct a private mediation. The parties have agreed on a list of approximately 20 potential mediators, and are in the process of selecting a mediator from that list. The parties respectfully request that the Court withdraw its order referring the parties to the Court-annexed Mediation Program (Docket No. 18), and instead permit the parties to engage in private mediation. It is the parties' intention to conduct the mediation within the next 60 days.

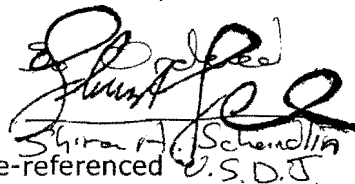
Respectfully submitted,


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cc: Craig B. Whitney, Esq.

Request granted. The referral
to the Court-annexed Mediation
Program is withdrawn.
The parties are directed
to convey to the Mediation
Program this information
and to hold their mediation
session by November 3, 2012.

September 3, 2012

Shira A. Scheindlin
U.S.D.C.

